

REMARKS

Almost one year ago (August 2009), Applicant submitted a Request/Petition to Correct Inventorship in the underlying U.S. provisional application Ser. No. 60/636,741.

On October 30, 2009, Applicant filed a request for continued examination (RCE) with a full response to the prior final office action. In the response, Applicant notified the Office of the filing of the Request/Petition, provided a full explanation that when the Request/Petition was granted most outstanding rejections would be moot, and requested the Office to delay examination until the Office acted on the Request/Petition. Nonetheless, the Office issued the outstanding office action on December 24, 2009 simply noting that the Request/Petition had yet to be granted.

After numerous telephone calls and discussions between Office personnel and the undersigned, including with the supervisory examiner, the Office finally corrected the filing receipt in the U.S. provisional application to include three co-inventors, and issued a Corrected Filing Receipt on June 3, 2010. A copy is attached for the Office's convenience.

Based on this, the present application was (and is) entitled to the filing date of the U.S. provisional application. As such, the present application now predates the main reference Friday, and Claims 1-8 are allowable over the art of record and the rejection of Claims 1-8 is moot.

With respect to the other claims, Applicant reiterates, and incorporates by reference, its prior response to the rejections of Claims 9-13.

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at rmccutcheon@munckcarter.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Nortel Networks Deposit Account No. 14-1315.

Respectfully submitted,

MUNCK CARTER, LLP

Date: 6/23/2010


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